

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article; and for the further reason that it was labeled butter, which was false and misleading and deceived or misled the purchaser, since it contained less than 80 per cent of milk fat. (This department has no record that the article was labeled butter, and made no misbranding recommendation.)

On May 1, 1931, a claim having been interposed by Alex Grossmann & Co., as agent for the Harding Cream Co., Omaha, Nebr., and said claimant having admitted the allegations of the libel, consented to the entry of a decree and agreed to recondition the product so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18594. Adulteration of tomato pulp. U. S. v. 170 Cases of Tomato Pulp. Default decree of destruction. (F. & D. No. 26011. I. S. No. 27413. S. No. 4302.)

Samples of canned tomato pulp from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 170 cases of tomato pulp, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the G. S. Suppiger Co., Belleville, Ill., on or about August 21, 1930, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 30, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18595. Adulteration of canned prunes. U. S. v. 25 Cases, et al., of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26081. I. S. Nos. 28056, 28059. S. No. 4390.)

Samples of canned prunes from the shipment herein described having been found to be excessively moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On March 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases each containing 24 cans, and 10 cases each containing 72 cans of prunes, remaining in the original unbroken packages at Sunbury, Pa., alleging that the article had been shipped by Paulus Bros. Packing Co., from Portland, Oreg., on or about January 24, 1931, and had been transported from the State of Oregon into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Black Label Brand * * * The Hooven Mercantile Co., Distributors New York Fresh Prunes." The remainder of the said article was labeled in part: "Black Label * * * The Hooven Mercantile Co., Distributors Pennsylvania Fresh Prunes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance, to wit, moldy prunes.

On June 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18596. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26742. I. S. No. 30153. S. No. 4705.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Buffalo Center Creamery Co., Buffalo Center, Iowa, on or about April 15, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On May 2, 1931, a claim having been interposed by Zenith-Godley Co. (Inc.), as agent for the Buffalo Center Cooperative Creamery, Buffalo Center, Iowa, and said claimant having admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18597. Adulteration of butter. U. S. v. 24 Tubbs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26744. I. S. No. 30147. S. No. 4703.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Greeley Cooperative Creamery Co., Greeley, Nebr., on or about April 15, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of Congress of March 4, 1923.

On May 1, 1931, the Greeley Cooperative Creamery, Greeley, Nebr., claimant, having admitted the allegations of the libel, consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18598. Adulteration and misbranding of butter. U. S. v. 11 Tubbs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26759. I. S. No. 24714. S. No. 4710.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about May 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Alberta Cooperative Creamery Association, from Alberta, Minn., April 21, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to